IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1500 of 2005
Date of Decision: 16.1.2007

Kulwinder Singh ...Petitioner

Versus

Jagat Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri C.L. Verma, Advocate, for the petitioner.

Shri Sarju Puri, Advocate, for respondent No.1.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 23.2.2005, whereby the learned trial Court has appointed a Local Commissioner for suggesting the mode of partition in an application for preparation of the final decree.

The learned trial Court has passed a preliminary decree on 5.4.1995, whereby ½ share of the plaintiff is to be partitioned in khasra No. 64. The suit of the plaintiff qua Taur as detailed in the heading of the plaint, was dismissed. In the proceedings for preparation of the final decree, the learned trial Court has appointed the Local Commissioner to suggest the mode of partition. The said order is the subject matter of challenge in the present revision petition.

Learned counsel for the petitioner has vehemently argued that the plaintiff has sought partition of the Taur as well. However, there is nothing in the order passed by the learned trial Court on 23.2.2005,

which deals with the partition of the Taur. In fact khasra No. 64 has to be partitioned in terms of the preliminary decree. The appointment of the Local Commissioner to suggest the mode of partition is the only way by which the final decree can be passed.

Consequently, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

16-01-2007 (HEMANT GUPTA)
ds JUDGE